

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Claire A. CAJACOB *et al.*

Appln. No.: 09/233,218

Filed: January 20, 1999

For: Nucleic Acid Molecules and Other
Molecules Associated with the
Tetrapyrrole Pathway



Art Unit: 1649

Examiner: To Be Assigned

Atty. Docket: 04983.0025.US01/
38-21(15090)B

Response to Notice to File Missing Parts of Application

Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted dated February 9, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
2. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Claire A. CaJacob (6 pages);
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Jingdong Liu (6 pages);
4. Marked-up copy of Filing Receipt showing corrections;
5. Return postcard; and
6. Howrey & Simon Check No. 307293 for \$ 968.00 to cover:

\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);

\$ 78.00 Fee for excess claims (37 C.F.R. § 1.16); and

\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

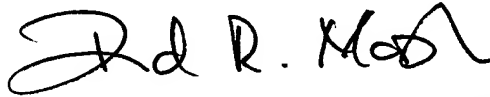
It is noted that the Filing Receipt received on February 16, 1999, contains two errors made by the U.S. Patent and Trademark Office: (1) the incorrect spelling of the second inventor's name, "Liu"; and (2) the incorrect spelling of "other" in the title of the application. It is recognized that a new Filing Receipt will be issued upon receipt of the executed Declaration, and it is respectfully requested that the above-noted errors not be perpetuated in the new Filing

Receipt. A copy of the Filing Receipt, with the corrections marked in red, is enclosed for convenience.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. Marsh", written in a cursive style.

David R. Marsh (Reg. No. 41,408)

Date: March 22, 1999

HOWREY & SIMON
Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(202) 783-0800

HOWREY & SIMON



March 22, 1999

SECTOR
Attorneys at Law
1299 Pennsylvania Ave., NW
Washington, DC 20004-2402
(202) 783-0800
FAX (202) 383-6610

Assistant Commissioner for Patents
Washington, DC 20231

Attention: Box Missing Parts

Re: U.S. Utility Application No. 09/233,218
Filed: January 20, 1999; Group Art Unit: 1649
For: Nucleic Acid Molecules and Other Molecules
Associated with the Tetrapyrrole Pathway
Inventors: Claire A. CAJACOB *et al.*
Atty. Docket: 04983.0025.US01/38-21(15090)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to File Missing Parts of Application (in duplicate);
2. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Claire A. CaJacob (6 pages);
4. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Jingdong Liu (6 pages);
5. Marked-up copy of Filing Receipt showing corrections;
6. Howrey & Simon Check No. 307293 for \$968.00 to cover the filing fee, fee for excess claim, and surcharge for late filing of Declaration; and
7. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Sincerely,

A handwritten signature in black ink that reads "David R. Marsh".

David R. Marsh (Reg. No. 41,408)

Enclosures

BEST AVAILABLE COPY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/23/218	01/20/99	CAJAE0B	04983.0025.U

0242/0209
DAVID R MARSH
HOWREY & SIMON
BOX NO 34
1299 PENNSYLVANIA AVENUE N.W.
WASHINGTON DC 20004-2402

NOT ASSIGNED

1649

DATE MAILED:

02/09/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 760.00.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ 78, including any multiple dependent claim fees, are required.

\$ 78.00 for independent claims over 3.

\$ for dependent claims over 20.

\$ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date, is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☒ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/24/1999 CUBACH 0000057 0923216

760.00
130.00
76.00

03/24/1999
02/15/05
02/15/02

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/233,218	01/20/99	1649	\$0.00	04983.0025.U	0	9	4

DAVID R MARSH
HOWREY & SIMON
BOX NO 34
1299 PENNSYLVANIA AVENUE
WASHINGTON DC 20004-2402



RECEIVED
DOCKET DEPT.

FEB 16 1999

HOWREY & SIMON

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

CLAIRE A CAJACOB; JINGDONG ~~LIU~~

LIU

FOREIGN FILING LICENSE GRANTED 02/05/99

TITLE

NUCLEIC ACID MOLECULES AND ~~OTHER~~ MOLECULES ASSOCIATED WITH THE
TETRAPYRROLE PATHWAY ~~OTHER~~

PRELIMINARY CLASS: 800

04983-0025-US01
DOCKETED A

MSPTS DUE 4/9/99

EXTENDIBLE TO 9/9/99

00/007.0
069,472
072,027
074,201
074,280
074,281

09/210,297

1645

DATA ENTRY BY: MIDDLETON, MATTIE

TEAM: 04 DATE: 02/05/99